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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,819	08/01/2003	Thomas A. Gray	1244.42976X00	1717

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/631,819	GRAY ET AL.	
	Examiner	Art Unit	
	Quynh H. Nguyen	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 8, 13, 24-28, 33, 35-37, 42-44, 47-48, 50-51, and 56-59 is/are rejected.
- 7) ☐ Claim(s) 2-5, 7, 9-12, 16-23, 29-32, 34, 38-41, 45, 46 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 50 recites the limitation "the improvement" in line 2. There is insufficient antecedent basis for this limitation in the claim.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 50 and 51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 50 recites "the improvement comprising subscribing said user to said user's own availability". Is user's own availability a feature? It is unclear as how a user subscribes to the user's own availability feature. Similarly, claim 51 has the same defect. For the purpose of examining, Examiner interprets claim 50-51 as follows: A system for generating an indicator of user availability to other users comprising subscribing said user to a service plan.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 8, 24-28, 35-37, and 50-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (US Patent 6,678,366) in view of Rogers et al. (U.S. Patent 5,946,386).

As to claims 1, 26-27, Burger et al. teaches the steps of:

receiving call control events from the telephone system, wherein each of the call control events is ascribed one of either an absolute indicator of availability (col. 7, line 64 through col. 8, line 7; Figs. 6A and 6B; col. 11, lines 59-61) or evidence of availability (col. 3, line 5; col. 9, lines 1-3).

Burger et al. does not teach generating an indication of the user availability based for each of the call control events to which the absolute indicator of availability has been ascribed, and otherwise generating the indication of user availability on the evidence of availability.

Rogers et al. teach generating an indication of the user availability (col. 37, lines 8-13 - *where Rogers discussed "John, I'm out of the office today. If you need to speak with sales, press one, or to speak to Sam, press two. Otherwise, I will call you back tomorrow"*).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of delivering an indication of the presence of said target party to the initiating party, as taught by Rogers, in Burger's system thus making the system more efficient by allowing the caller to know the actual status of the called party, as discussed by Rogers (col. 4, lines 40-45).

Claims 8 and 35-36 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Burger et al. teaches an event queue (enhanced service platform 100); Rogers et al. teach an interpretation engine (call management system).

As to claims 24-25, 28, 37, Burger et al. teaches updating a running sum for the user based on the evidence of availability, and wherein the indication of user availability is generated based on the running sum (Fig. 3C; col. 10, lines 17-36).

As to claims 50-51, Burger et al. teach system for generating an indicator of user availability to other users comprising subscribing said user to a service plan (col. 10, lines 21-25).

As to claims 52-55, Rogers et al. teach displaying the indication of user availability to the user (col. 34, lines 13-19 - *the call information displayed on the call management window allowing the secretary to know whom the call was destined and handle each call appropriately*).

Claim 56 is rejected for the same reasons as discussed above with respect to claim 1.

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As to claims 57-59, Burger et al. teach the absolute indicator of availability comprises activation of a Do Not Disturb (col. 7, line 64 through col. 8, line 4), an Off Hook (col. 9, lines 1-2), Call Forward Always (col. 11, lines 59-61).

7. Claims 6, 13, 33, 42-44, and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (US Patent 6,678,366) in view of Rogers et al. (U.S. Patent 5,946,386) and further in view of Parsons et al. (Pub. No.: US 2002/0085701).

As to claims 6, 13, 33, 42-44, and 47-48, Burger and Rogers do not teach generating an indication of the user location based on location information in the call control events.

Parsons et al. teaches generating an indication of the user location based on location information in the call control events (abstract; page 1, [0009]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Parsons into the teachings of Burger and Rogers for the purpose of having a more efficient system by allowing incoming caller to select how to communicate with users when they can not be reached at their usual phone number, as discussed by Parsons (page 1, [0006]).

Allowable Subject Matter

8. Claims 2-5, 7, 9-12, 16-23, 29, 30-32, 34, 38-41, 45-46, and 49 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

As to claims 2, 9, 29, and 38, the prior arts of record fail to teach, or render obvious, alone or in combination a method of generating user availability information from control events within a telephone system comprising: receiving call control events from the telephone system, wherein each of the call control events is ascribed one of either an absolute indicator of availability or evidence of availability; and generating an indication of the user availability based for each of the call control events to which the absolute indicator of availability has been ascribed, and otherwise generating the indication of user availability on the evidence of availability; and further comprising updating a running sum for the user based on the evidence of availability, and wherein the indication of user availability is generated based on the running sum, wherein the running sum is updated by a discrete amount in response to call control events characterized by discrete evidence of availability and by incremental amounts in response to call control events characterized by incremental evidence of availability, whereby the indication of user availability is maintained for a predetermined period of time in the absence of further call control events.

Claims 3-5; 7, and 16-19 are objected because they depend of objected claim 2.

Claims 10-12 and 20-23 are objected because they depend of objected claim 9.

Claims 30-32, 34, 45-46 are objected because they depend of objected claim 29.

Claims 39-41 and 49 are objected because they depend of objected claim 38.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kleinoder et al. (US Patent 6,700,967) teaches presence information method and system.

Reid et al. (US Patent 6,330,325) teaches automatic log-off signaling for telephone system.

Le Grand (US Patent 6,487,290) teaches call routing based on local status evaluation.

Hines (2005/0246682) teaches behavioral abstractions for debugging coordination-centric software designs.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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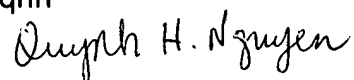
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

qhn

A handwritten signature in cursive script that reads "Quynh H. Nguyen".

Quynh H. Nguyen

April 10, 2007